



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

**CONCURRING OPINION IN ADVISORY OPINION 1981-43**

of

**COMMISSIONER FRANK P. REICHE**

On October 29, 1981 the Federal Election Commission approved Advisory Opinion 1981-43. Briefly stated, the American Hotel and Motel Association Political Action Committee proposed to place posters on the hotel properties of members of the sponsoring American Hotel and Motel Association. The posters would urge the readers to "support the candidate of your choice" and would contain a picture of the President of the American Hotel and Motel Association. The posters would be paid for by the Political Action Committee of the Association.

The primary question posed was whether this activity would somehow constitute a solicitation prohibited by the Federal Election Campaign Act. I voted with the majority in concluding that this was not a prohibited solicitation.

I am nevertheless troubled by the absence of any reference to various pertinent questions in the Opinion. Specifically, I believe the Advisory Opinion should have included a statement to the effect that it does not reach nor pretend to reach questions concerning possible contributions by members of this trade association in providing space for the placement of these posters on their hotel and motel properties. Anyone relying upon this Advisory Opinion should recognize that these questions have not been decided by the Commission as a consequence of this Opinion.